

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Geoffrey Robert HAMMOND
Serial No.: 10/597550
Filing Date: 28.July.2006
Examiner: To Be Assigned
Art Group: To Be Assigned
Title: CLEANING DEVICE

PER ELECTRONIC FILING SYSTEM (EFS)

01.October.2008

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ADMIT OATH & DECLARATION PURUSANT TO

37 CFR 1.47(a), 35 USC 118

(JOINT INVENTOR -- INVENTOR UNAVAILABLE/ REFUSES TO SIGN)

AND

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

This paper is responsive to the *Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office (DO/EO/US)* dated 02.July.2008 in the present application.

This paper also incorporates an appropriate petition for extension of time in order to permit for the timely filing of this paper and the attachments thereto with regard to the *Notice to File Missing Parts*.

This paper also incorporates an authorization to charge the necessary surcharge fee required.

The applicant encloses copies of the following documents for consideration by the Office:

- (a) Copy of a *Combined Oath, Declaration and Power of Attorney* executed by co-inventors Geoffry Robert HAMMOND with respect to the instant application;
- (b) Copy of a *Combined Oath, Declaration and Power of Attorney* executed by co-inventor Lawrence T. LEVINE with respect to the instant application;
- (c) Copy of a letter dated 30.July.2008 addressed to Mr. Lamson Nguyen, of Somerset, New Jersey transmitting copies of the above identified patent application as well as copies of a *Combined Oath, Declaration and Power of Attorney* and an *Assignment* for his review and signature.
- (d) Copy of Federal Express tracking report, indicating receipt of the aforesaid letter at the last known residence address of co-inventor Lamson Nguyen on 04.August.2008

The undersigned respectfully requests recognition of the satisfaction of the requirements for filing of an application in the USPTO pursuant to 37 CFR 1.47(a), 35 USC 118, notwithstanding the non-cooperation of the named joint inventor, Lamson Nguyen, to sign the *Combined Oath, Declaration and Power of Attorney* in the application, and

permit the successor in interest, Reckitt Benckiser Inc., the continue prosecution of the application in his stead.

In view of the foregoing facts that are believed to clearly establish that the documents requiring signature by co-inventor Lamson Nguyen were received at his last known residence address and that co-inventor Lamson Nguyen has had ample opportunity to review these aforesaid documents and to sign the same and enter into the application. It is further stated that such behavior by Lamson Nguyen is wholly consistent with the circumstances of several further related patent application on which Lamson Nguyen was a named co-inventor.

The undersigned further submits the following additional documents which support the petitioner's position that Lamson Nguyen's reluctance to cooperate with regard to the execution of patent documents is intentional. These further documents are:

- (e) *Decision According Status Under 37 CFR 1.47(a)* dated 21 November 2005 with regard to U.S. Ser.No. 29/222628, in which Lamson Nguyen was a named co-inventor and also refused to sign;
- (f) *Decision Refusing Status Under 37 CFR 1.47(a)* dated 18 October 2005 with respect to U.S. Ser.No. 29/222,613, an application in which Lamson Nguyen was a named co-inventor and also refused to sign;
- (g) *Decision* dated 29.Aug.2006 with respect to US Ser.No. 10/509,555, an application in which Lamson Nguyen was a named co-inventor and also refused to sign;
- (h) *Decision* dated 01.Nov.2006 with respect to US Ser.No. 10/561,749, an application in which Lamson Nguyen was a named co-inventor and also refused to sign;

In each of the aforesaid applications relating to documents (e)-(h) Lamson Nguyen was a named co-inventor, and in the former petitions his prior refusal had been noted, and the prior petitions granted. It is believed that the foregoing readily demonstrates that Lamson Nguyen remains non-cooperative over a span of many months and years, and continues in his refusal to cooperate in the execution of any documents requiring his signature relating to these U.S. design applications of which he is a named co-inventor and which are currently pending before the USPTO.

The applicant, Reckitt Benckiser Inc., prays that this petition be granted to avoid irreparable damage, e.g., loss of rights to its patent application as well as potential loss of its rights to any patents which may issue therefrom as they are the inventors' successor in interest.

The applicant also prays that the copies of the *Combined Oath, Declaration and Power of Attorney* documents submitted as documents (a) – (b) be entered into the file wrapper as being fully responsive to the *Notice to File Missing Parts*.

Favorable consideration of this petition and return to the normal course of prosecution is respectfully requested. It is respectfully requested that the *Combined Oath, Declaration and Power of Attorney* be admitted pursuant to 37 CFR 1.47(b) wherein the inventor relating to this U.S. patent application cannot be reached.

It is further respectfully requested that all claims to priority rights be recognized.

Petition for a Two-Month Extension of Time

The applicants respectfully petition for a two-month extension of time in order to permit for the timely entry of this response. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this petition.

Authorization to Charge USPTO Deposit Account

The Commissioner is authorized to debit any necessary fees which may be required to ensure consideration entry of this paper, and any of the enclosures thereto, to USPTO Deposit Account 14-1263 in the name of Norris McLaughlin & Marcus, PA.

Should the Office believe that telephonic communication would advance the prosecution of the instant application, or should there be any question concerning this paper, the Office is invited to telephone the undersigned at the number given below.

Respectfully submitted,

Andrew N. Parfomak Date: 01, October, 2008

Andrew N. Parfomak
Reg. No. 32,431
Norris, McLaughlin & Marcus, PA
875 Third Avenue, 18th Floor
New York, NY 10022
Tel: (212) 808-0700

Enclosures – as indicated